

**Rules of Practice and Procedure**

**&**

**Power Plant Site Certification Regulations  
Revisions**

**04-SIT-2**

**December 14, 2006**

**DOCKET**

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**§ 1002. Service on the Commission.**

Service of process may be made on the commission by personal service on the chairman, the executive director, or ~~general~~ chief counsel, or as otherwise provided by law addressed as follows:

Energy Resources Conservation and Development Commission  
1516 Ninth Street  
Sacramento, CA 95814  
Attn: ~~General~~ Chief Counsel

**§ 1201. Definitions.**

The following definitions shall apply unless otherwise indicated:

(a) "Staff" means the staff of the State Energy Resources Conservation and Development Commission.

(b) "Respondent" means any person named in a complaint, pursuant to Section 1231 of these regulations, and alleged to be in violation of any regulation, order, decision, or statute adopted, administered, or enforced by the commission, and any person who is the subject of a complaint proceeding pursuant to Sections 1230 and 1231 of these regulations.

(c) "Complainant" means any person who files a complaint, pursuant to section 1231 of these regulations, alleging the violation of any regulation, order, decision, or statute adopted, administered, or enforced by the commission.

(d) "Intervenor" means any person who has been granted leave to intervene pursuant to these regulations.

(e) "Party" means any applicant, respondent, complainant, or intervenor, and the staff of the commission.

(f) "Presiding member" means the chairman of the commission or any member of the commission designated to preside over any proceeding pursuant to Section 1204 of these regulations.

(g) "Comment" means any oral or written statement made by any person, not under oath, in any proceeding before the commission.

(h) "Testimony" means any oral or written statement made ~~by any person,~~ under oath in any proceeding before the commission.

(i) "Witness" means any person who offers testimony in any proceeding before the commission.

(j) "Docket Unit" means the Docket Unit of the Energy Resources Conservation and Development Commission.

**§ 1207. Intervenors.**

(a) Any person may file with the Docket Unit or the presiding committee member a petition to intervene in any proceeding. The petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner.

(b) In a power plant siting case, the petition shall be filed no later than the Prehearing Conference or at least 30 days prior to the first hearing held pursuant to sections 1725, 1748, or 1944 of this Chapter, whichever is earlier, subject to the exception in subsection (c) below. The petitioner shall also serve the petition upon the Applicant.

(c) The presiding member may grant leave to intervene to any petitioner to the extent he deems reasonable and relevant, but may grant a petition to intervene filed after the deadline provided in subdivision (b) only upon a showing of good cause by the petitioner. Any person whose petition is granted by the presiding member shall have all the rights and duties of a party under these regulations.

(d) Any petitioner who has been denied leave to intervene by the presiding member may appeal the decision to the full commission within fifteen (15) days of the denial. Failure to file a timely appeal will result in the presiding member's denial becoming the final action on the matter.

(e) Any petitioner may withdraw from any proceeding by filing a notice to such effect with the Docket Unit or presiding committee member.

**§ 1208. Conferences; Purpose; Notice; Order.**

The presiding member or hearing officer may hold a conference with the parties, the public adviser, the ~~general~~ chief counsel, and any other persons interested in the proceeding, at any time he deems necessary, for the purpose of formulating the issues, organizing the questioning of witnesses, determining the number of witnesses, providing for the exchange of exhibits or prepared statements, and such other matters as may expedite the orderly conduct of the proceedings. The public adviser may, upon request, present the views submitted by persons interested in the proceeding who are unable to attend.

(a) The conference shall be publicly noticed and the notice served in person or by mail on all parties at least ten (10) days before the conference.

(b) The presiding member may enter an order which specifies issues or states any other matter to aid in the orderly conduct of the hearing, and may, upon agreement of all the parties, accept stipulations of law or fact.

**§ 1209. Form of Submissions.**

(a) Except for drawings, photographs, maps, diagrams, charts, graphs, or similar documents and exhibits, all formal paper filings and accompanying materials submitted to the commission pursuant to these regulations shall be typewritten or printed on paper eight and one-half (8 1/2 ) inches wide and eleven (11) inches long. To the extent possible, all attachments thereto, including drawings, photographs, maps, diagrams, charts, graphs, and similar documents, and all other exhibits, shall be folded to the same size. To the extent possible, no document should be larger than eleven (11) inches wide and seventeen (17) inches long unfolded. Documents should be printed on both sides of the page. Clear, permanently legible copies made by any reproduction process may be submitted. Pages shall be bound securely and shall be consecutively numbered. Formal filings may also be submitted electronically. Electronic copies shall be in the number, media, and format specified in Section 1209.5.

(b) All filings and accompanying materials, including exhibits not attached to other materials, shall show the following on a title page or cover:

- (1) the title of the proceedings before the commission;
- (2) the docket number, if any, assigned by the commission;
- (3) the nature of the material;
- (4) the name, address, and telephone number of the person submitting the material.

(c) Unless otherwise specified in these regulations or required by the commission or the executive director, any person submitting written materials in connection with a proceeding before the commission shall provide twelve (12) paper copies thereof, including one original paper copy, ~~unless provision of twelve (12) copies would impose an undue burden on the submitter. If the undue burden is one of inconvenience, a check covering the cost of making additional copies at the current rate per page specified by the commission's Docket Unit shall be submitted with the original copy. If the undue burden is financial, the letter of transmittal, written material, or comment should so state.~~ The Docket Unit shall photocopy and distribute submitted material in the normal course. Alternatively, a person may provide one original paper copy and electronic copies in the number, media and format specified in Section 1209.5.

(d) Unless otherwise specified in these regulations all materials filed with the commission shall be filed with the Docket Unit. The executive director shall assure the proper distribution of such materials and shall assure that all materials submitted to the commission shall be made available at the Docket Unit to the public in accordance with provisions of the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7, Title 1 of the Government Code, and commission regulations.

(e) Unless otherwise stated in these regulations, in other applicable law, or by order of the commission or a committee thereof, a document is filed, received, or similarly submitted

~~when it is delivered in paper or electronic format to the Docket Unit. Materials shall be deemed filed as of the date upon which such material is served upon the appropriate officer of the commission, or if mailed, as of the date upon which such material is deposited in the mail, first class postage prepaid.~~

(f) Filing pursuant to this section does not satisfy the requirement that a party serve a copy of its documents on every other party in a proceeding, contained in section 1210.

#### **§ 1209.5. Electronic filing.**

(a) Electronic documents may be submitted in any of the following media in the number of copies specified:

- (1) Two CD-ROMs (read only);
- (2) Two magnetic diskettes;
- (3) One internet e-mail; or
- ~~(4) One posted to an FTP site; or~~
- ~~(45)~~ Any other media and number of copies authorized by the Executive Director.

(b) The format version used must be noted on the media. Charts, graphs, drawings, maps, and photographs should be incorporated within the document, but may be included in an appendix. Maps and photographs may be submitted as paper copies in the number specified by the executive director.

(c) Electronic documents shall be provided in the Portable Document Format (PDF), or its equivalent, as determined by the executive director.

(1) The executive director may waive the format requirement if it is shown to constitute an undue burden on the submitter of a document. A written request for a waiver may be submitted to the executive director at any time prior to the filing of a document. The request shall include a description of each such document and a discussion of the reasons why the format specified in (c) above is an undue burden. The requesting party may not file the electronic document while such a request is pending. If a request is granted, the executive director shall specify the format allowed. The executive director shall act on all such requests within 15 days.

(d) Documents shall be delivered to the Dockets Unit in one of the following ways:

(1) by personal delivery to the Dockets Unit;

(2) by electronic transfer (e-mail) of smaller documents (5MB maximum file size) to: docket@energy.state.ca.us ~~dockets@energy.state.ca.us~~;

- (3) by first class mail, or other equivalent delivery service, with postage prepaid; or
- (4) in any other delivery method approved by the Executive Director.

(e) Data the submitter considers confidential must be filed as a separate document with an application for confidential designation pursuant to Section 2505.

### **§ 1216. Ex Parte Contacts**

(a) The ex parte provisions of Article 7 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code (sections 11430.10 et seq.) apply to all adjudicative proceedings conducted by the commission.

~~Commissioners and assigned hearing officer(s) shall avoid any oral or written communication with a representative of any party to an adjudicatory proceeding pending before the commission including those members of the commission staff who have been involved or are likely to be involved as principals in case management or who have participated or are likely to participate in the preparation or presentation of staff testimony, documentary evidence, or cross examination concerning any substantive issue involved in the proceeding; provided, however, that communications contained in the formal record at a commission hearing shall not be prohibited.~~

~~(a) If such a communication occurs, the commissioners or hearing officer shall include a description of the substance of the discussion in the public file on the proceeding to permit rebuttal of the matter on the record by any party affected.~~

~~(b) All of the written communications received by a commissioner or hearing officer which relate to substantive issues raised in an adjudicatory proceeding before the commission shall be included in the public file on the proceeding and shall be subject to rebuttal on the record by any party affected.~~

~~(b) e) An adviser to a commissioner or any other member of a commissioner's own staff shall not be used in any manner that would circumvent the purposes and intent of this section.~~

NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Sections 11430.10 – 11430.80, Government Code, Section 25210, Public Resources Code.

### **§ 1217. Informal Hearings.**

The commission may choose to implement the informal hearing procedures identified in Article 10 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code (sections 11445.10 et seq.) when conducting an adjudicative proceeding.

NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Sections 11445.10 – 11455.60, Government Code, Section 25210, Public Resources Code.

**~~§1219. Interim Regulations for Adjudicatory Procedure.~~**

~~Government Code Sections 11430.10 through 11430.80 (ex parte communications) and 11445.10 through 11445.60 (informal hearings) are hereby incorporated by reference as applicable to commission adjudicatory proceedings commenced prior to July 1, 1997.~~

**§ 1702. Definitions.**

For purposes of this subchapter and unless otherwise indicated, definitions found in Public Resources Code Section 25100 as well as the following definitions shall apply:

(a) "Administrative record" means all materials that have been entered into the docket ~~on~~ of the proceeding. The administrative record includes, but is not limited to, the hearing record (as defined below).

(b) "CEQA" means the California Environmental Quality Act of 1970 commencing with Section 21000 of the Public Resources Code.

(c) Chief Counsel means the Chief Counsel of the commission.

~~(e)~~(d) "Committee" means the committee of the commission appointed pursuant to Section 1204 of these regulations to conduct proceedings on a notice or application.

~~(d)~~(e) "Environmental documents" means draft environmental impact reports (draft EIR), final environmental impact reports (final EIR), initial studies, negative declarations, notices of preparation, notices of determination, notices of exemption and statements of findings and overriding considerations, and the documentation prepared by the Commission or its Staff for a certified regulatory program in compliance with Section 21080.5 of the Public Resources Code.

~~(f) "General counsel" means the general counsel of the commission.~~

~~(e)~~(f) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(g) "Hearing officer" means any person designated pursuant to Section 1205 of these regulations to assist the presiding member in conducting the proceeding.

(h) "Hearing record" means the materials that the committee or commission accepts at a hearing. While the committee or commission may rely in part on any portion of the hearing record in making a finding, only those items properly incorporated into the hearing record pursuant to Section 1212 or 1213 are sufficient in and of themselves to support a finding of fact. The hearing record includes:

- (1) written and oral testimony presented at a hearing including direct and cross-examination of a witness;
- (2) supporting documentary evidence submitted with testimony;
- (3) public comment offered at a hearing or entered into the record at a hearing;
- (4) public agency comment offered at a hearing or entered into the record of a hearing;
- (5) matters of which official notice has been taken, and
- (6) other evidence that the committee accepts at a hearing.

(i) "Intervenor" means any person who has been granted leave to intervene in notice or application proceedings pursuant to Section 1712 of these regulations.

(j) "Party" means the applicant, the staff of the commission, and any intervenor.

(k) "Presiding member" means the presiding member of the committee appointed to conduct proceedings on a notice or application.

(l) "Filing" means submission of any document to the commission docket. A document is filed on the day it is received by the commission docket.

(m) "Acceptance" means a formal determination by the commission, pursuant to Public Resources Code, sections 25516.6, 25522, or 25540.1 that a notice or application for certification is complete.

(n) "Related Facility" means a thermal powerplant, electric transmission line, or any equipment, structure, or accessory dedicated to and essential to the operation of the thermal powerplant or electric transmission line. These facilities include, but are not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites. Exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and, absent unusual and compelling circumstances, the thermal host of a cogeneration facility, are not related facilities.

(o) "Application" means either an Application for Certification or an application for a Small Power Plant Exemption, unless otherwise indicated.

(p) "Local agency" means any local or regional governmental authority within the state, including but not limited to, any city, county, air pollution control or air quality management district, or Native American government.

(q) "Areas of critical concern" means special or unique habitats or biological communities that need protection from potential adverse effects resulting from project development and which may be identified by local, state, or federal agencies with resource responsibility within the project area, or by educational institutions, museums, biological societies, or special interest groups with specific knowledge of resources within the project area. This category includes, but is not limited to, wildlife refuges, wetlands, thermal springs, endangered species habitats, and areas recognized by the California Natural Area Coordinating Council and the Governor's Office of Planning and Research.

(r) "Performance criteria" means performance goals for which the applicant proposes to design the facilities.

(s) "MCE" means Maximum Credible Earthquake as defined by the United States Geological Survey.

(t) "MPE" means Maximum Probable Earthquake as defined by the United States Geological Survey.

(u) "Impact area" means the area which is potentially affected by the construction, modification, or operation of a site and related facilities.

(v) "Species of special concern" means candidate rare, threatened, or endangered species that may need protection from potential adverse effects resulting from project development and which may be identified by local, state, or federal agencies with resource responsibility within the project area or by educational institutions, museums, biological societies, and special interest groups with specific knowledge of resources within the project area. In addition to species designated pursuant to state or federal law, this category includes, but is not limited to, those rare and endangered plant species recognized by the Smithsonian Institution or the California Native Plant Society.

#### **§ 1708. Application, Compliance, and Reimbursement Fees.**

- (a) A cashier's check or wire transfer in the amount required by ~~Section 25802 of the Public Resources Code shall be prepared by the applicant and~~ subsections (c) and (d) shall accompany the filing of the notice.
- (b) Upon the demand of the executive director, the applicant shall pay additional fees to the commission in the amount of any reimbursement made to local agencies by the commission pursuant to Section 1715 of this article.
- (c) A cashier's check or wire transfer for \$100,000 plus \$250 per megawatt (MW) of gross generating capacity shall accompany the filing of an Application for Certification (AFC). Gross generating capacity shall be determined in accordance with Section 2003 (a).
- (d) The owner of each facility granted certification shall submit a cashier's check or wire transfer for \$15,000 annually. The first payment of the annual fee shall be due on the

date the Commission adopts the final decision for the facility. Subsequent payments shall be paid on July 1 of each year in which the facility retains its certification.

- (e) The fees specified in (c) and (d) shall be adjusted annually to reflect the percentage change in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, as published by the U.S. Department of Commerce.
- (f) A project which use a renewable resource as its primary fuel or power source is exempt from the filing and compliance fees identified in (c) and (d).
- (g) Fees paid pursuant to this section are non-refundable. Additional fees may be required in the event an amendment to the AFC increases the Gross generating capacity identified in (c).

NOTE: Authority cited: Section 25213, Public Resources Code. Reference: Sections 25538, 25802 and 25806, Public Resources Code.

**§ 1709.7. Informational Hearing, Site Visit, and Schedule.**

(a) Within 45 days after the acceptance of a notice or application for certification or the filing of an application for small powerplant exemption, the committee shall ~~hold~~ hold one or more informational presentations and site visits in the county or counties in which the proposed sites and related facilities are proposed to be located. The place of the presentations shall be as close as practicable to the proposed sites. Notice of the first informational presentation shall be mailed to all owners of land adjacent to the proposed sites.

(b) At or before the first informational presentation, the commission staff shall file with the committee a written statement summarizing the major issues that the staff believes will be presented in the case. This summary shall not preclude the staff or any other party from raising additional issues later in the case.

(c) No later than 15 days after the last informational presentation, the presiding member shall issue an order establishing the schedule for the prehearing phase of the proceedings on the notice or application. The presiding member may change the schedule at any time upon motion by any party or upon his or her own motion.

(d) At each informational presentation, the applicant shall describe the proposed project, and the staff shall explain how the certification or exemption proceedings are conducted. These presentations shall allow for informal questions to the applicants and the staff from local residents and other interested persons regarding the proposed sites and facilities.

**§ 1710. Noticing Procedures; Setting of Hearings, Presentations, Conferences, Meetings, Workshops, and Site Visits.**

(a) All hearings, presentations, conferences, meetings, workshops, and site visits shall be open to the public and noticed as required by subsection (b); provided, however, these

requirements do not apply to communications between parties, including staff, for the purpose of exchanging information or discussing procedural issues. Information includes facts, data, measurements, calculations and analyses related to the project. Discussions between the staff and any other party to modify the staff's position or recommendations regarding substantive issues shall be noticed. The staff may also meet with any governmental agency, not a party to the proceedings, for the purpose of discussing any matter related to the project without public notice.

(b) Except for the hearing conducted pursuant to Section 1809(a) and the workshop pursuant to Section 1709.5(d), notice of the initial public hearing on a notice or application shall be mailed or otherwise delivered fourteen (14) days prior to the first such hearing to the applicant, intervenors, and to all persons who have requested notice in writing. Except for continued hearings, notices shall, to the extent possible, be mailed at least fourteen (14) days in advance, and in no case less than ten (10) days in advance.

(c) The public adviser shall be consulted in the scheduling of locations, times, and dates for all noticed hearings, presentations, conferences, meetings, workshops, and site visits so as to encourage maximum public participation.

(d) Notices of Committee hearings, conferences, and meetings shall be signed by a member of the committee or specific designee thereof. Notices of staff workshops, conferences, and meetings shall be signed by the Executive Director or a Deputy Director, unless, in a specific proceeding, the Committee or Commission orders otherwise.

(e) The public adviser shall be afforded a reasonable opportunity to review all notices of hearings, presentations, conferences, meetings, workshops, and site visits for timeliness, completeness, clarity, and adequacy of dissemination.

(f) Publicly noticed hearings, presentations, conferences, meetings, workshops, and site visits may be continued from the date, time, and place originally scheduled to a future date, time, and place, by posting notice at the door in the same manner as provided by Government Code section 11129. If the continuance is to a date ten days or more in the future, then notice shall also be provided by mail as provided in subdivision (b).

(g) Publicly noticed hearings, presentations, conferences, meetings, workshops, and site visits may be canceled for good reason, provided the following requirements are met:

(1) A notice of cancellation shall be posted at the door in the same manner as provided by Government Code section 11129.

(2) A notice of cancellation shall be mailed as provided in subdivision (b).

(3) If the notice of cancellation is mailed less than ten (10) days before the originally noticed date, then the staff shall work with the public adviser to ensure that notice is provided to all interested parties by the best means available.

## § 1716. Obtaining Information.

(a) The executive director or the ~~general chief~~ counsel shall have authority to request or otherwise obtain from the applicant such information as is necessary for a complete staff analysis of the notice or application.

(b) Any party may request from the applicant any information reasonably available to the applicant which is relevant to the notice or application proceedings or reasonably necessary to make any decision on the notice or application. All such requests shall include the reasons for the request.

(c) Any public agency which is not a party and which has been requested to provide comments on the notice or application shall have the same rights as a party to obtain information necessary to comply with the commission's request for comments. To the extent practicable, the staff shall coordinate requests from agencies to the applicant to avoid duplicative requests.

(d) Any party may request from a party other than the applicant information which is reasonably available to the responding party and cannot otherwise be readily obtained, and which is relevant to the proceeding or reasonably necessary to make any decision on the notice or application. All such requests shall state the reasons for the request.

(e) All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown.

(f) Any party requested to provide information pursuant to this section shall, within 20 days of receiving the request, notify the requesting party and the committee in writing if it is unable to provide or objects to providing the information requested of it. Such notification shall state the reasons for the inability or the grounds for the objection. Absent such an objection, the party shall provide the information requested within 30 days of the date that the request is made. The dates specified in this section may be changed by mutual agreement of the parties or by committee order.

(g) If the requesting party or agency is unable to obtain information as provided in this section, such party or agency may petition the committee for an order directing the responding party to supply such information. A party petitioning the committee for an order to provide information must do so within either 30 days of being informed in writing by the responding party that such information will not be provided or within 30 days of the date the information was provided or was due. The committee may set a hearing to consider argument on the petition, and shall, within 30 days of the filing of the petition, either grant or deny the petition, in whole or in part. The committee may direct the commission staff to supply such of the information requested as is available to the staff.

(h) The committee shall have the authority to require from any electric utility, including any aggregator, scheduling coordinator, energy service provider, or independent power producer, information which is specific to the subject notice or application and reasonably necessary to

make any decision on the notice or application; provided, however, that such information, or its equivalent, is not reasonably available from any party or from publicly available records. Applications for confidentiality may be filed pursuant to Title 20, California Code of Regulations, section 2501 et seq.

(i) All information requests and responses shall be served on all parties to the proceeding by the requesting and responding parties respectively; provided, however, that requests for information made orally at a public meeting or hearing authorized by the presiding member need not be made in writing or served unless otherwise required by the presiding member. The presiding member may set reasonable time limits on the use of, and compliance with, information requests in order to avoid interference with any party's preparation for hearings or imposing other undue burdens on a party. No information requests shall be submitted by any party after release of the presiding member's hearing order except upon petition to the presiding member.

(j) Any witness testifying at a hearing shall to the extent that it does not unduly burden the witness, make available to any party on request copies of any work papers relied upon in the preparation of the testimony. If a witness for the applicant sponsors any portion of the notice or application for inclusion in the hearing record, the applicant shall make available, on request, all work papers relied upon in the preparation of the sponsored portion.

#### **§ 1717. Distribution of Pleadings, Comments, and Other Documents.**

(a) Any party or agency who submits petitions (except petitions to intervene), motions, briefs, comments, written testimony or exhibits, shall file its documents in accordance with section 1210. ~~twelve (12) copies with the Dockets Unit of the commission, or with the presiding member if presented during a hearing, as well as serve the document upon all parties and all other persons designated by the presiding member. Proof of service on such parties and other designated persons shall be filed with the twelve (12) copies provided to the commission. The presiding member may direct the executive director to provide such copies and their service upon all parties on behalf of any party for whom compliance with this section would impose an undue hardship.~~

(b) Upon receipt of any agency comments and recommendations, and unless such service is already provided by the agency, the executive director shall immediately serve such comments and recommendations on the applicant and all parties to the proceeding and to any other person who requests a copy of such comments and recommendations.

(c) During the course of the proceedings under this article, the presiding member shall, if requested by any party or member of the public, cause to be distributed, to all parties and to any persons so requesting, a list of all materials and documents introduced into the record of the proceeding. Such list shall be kept up to date on at least a weekly basis by the Dockets Unit and kept on file with the record of the proceeding.

(d) The executive director shall cause a copy or summary of materials and documents introduced into the record of the proceeding to be placed in a public document room in each county in which a proposed site and related facility or any portion thereof is located.

#### **§ 1720. Reconsideration of Decision or Order.**

(a) Within 30 days after a decision or order is final, the Commission may on its own motion order, or any party may petition for, reconsideration thereof. A petition for reconsideration must specifically set forth either: 1) new evidence that despite the diligence of the moving party could not have been produced during evidentiary hearings on the case; or 2) an error in fact or change or error of law. The petition must fully explain why the matters set forth could not have been considered during the evidentiary hearings, and their effects upon a substantive element of the decision. For purposes of calculating deadlines pursuant to Section 25530 of the Public Resources Code, the date of adoption by the commission of a decision or order shall be the date that a written decision or order is docketed.

(b) The commission shall hold a hearing for the presentation of arguments on a petition for reconsideration and shall act to grant or deny the a petition for reconsideration within 30 thirty (30) days of its filing. In the absence of an affirmative vote of three members of the commission to grant the petition for reconsideration, the petition shall be denied. the receipt of such petition. The chairman shall set the place, time, and date for the hearing. Decision on the substantive merits of any such petition shall occur, after public hearing, within thirty (30) days after the commission has granted consideration of such petition. The commission or chairman may consolidate for hearing petitions dealing with similar issues.

(c) If the commission grants a petition for reconsideration, or if on its own motion it orders reconsideration, then within 90 days, or within a longer period set by the commission for good cause stated, the commission shall hold a subsequent hearing, which may include the taking of evidence, and shall decide whether to change the decision or order. In the absence of an affirmative vote of three members of the commission to change the decision or order, it shall stand. The petition for reconsideration shall set forth with specificity the grounds for reconsideration, addressing any error in fact or law.

(d) In the absence of an affirmative vote of three members of the commission to grant the petition for reconsideration, the petition shall be denied. In the absence of an affirmative vote of three members of the commission to change a previously adopted final decision, the decision shall stand.

(de) The commission may stay the effective date of all or part of a decision or order pending reconsideration thereof of the decision or order. The commission shall specify the length of the stay, which shall expire no later than the end of the period for action upon reconsideration, as established in or pursuant to subdivision (c) of this section.

### **§ 1720.3. Construction Deadline.**

Unless a shorter deadline is established pursuant to § 25534, The deadline for the commencement of construction shall be five years after the effective date of the decision. Prior to the deadline, the applicant may request, and the commission may order, an extension of the deadline for good cause.

### **§ 1720.4. Effective Date of Decisions and Orders.**

For the purposes of implementing of sections 25530, 25531, and 25901 of the Public Resources Code, a decision or order is adopted, issued, final, and effective on the day when the decision or order is docketed, unless the decision or order states otherwise. Unless otherwise specified in the final decision on a notice or application, the effective date of the decision is the date that it is filed with the Docket Unit.

### **~~§1720.5. Demand Conformance.~~**

~~The criteria for determining demand conformance in a particular siting case shall be established in the Electricity Report adopted most recently prior to acceptance of a notice or application for certification or prior to the first informational hearing in a small powerplant exemption case, unless the Commission by order determines otherwise.~~

### **~~§1720.6. Demonstration Projects.~~**

~~The criteria for determining whether a project is a demonstration project under Public Resources Code section 25540.6, subdivision (e), shall be established in the Electricity Report adopted most recently prior to acceptance of a notice or application for certification or prior to the informational hearing in a small powerplant case, unless the Commission by order determines otherwise.~~

### **§1721. Purpose of Notice and Notice of Intention Proceeding.**

(a) The purpose of a notice, and such supporting documentation as may be filed concurrently with the notice, is to provide the commission, interested agencies, and interested members of the public with an informative document which does all of the following:

(1) Accurately describes the nature, size, and location of the sites and related facilities proposed by the applicant;

(2) Fairly identifies and explains the principal environmental, economic, and technological advantages and disadvantages of each siting proposal in the notice;

(3) Identifies measures which the applicant is considering to mitigate the principal disadvantages of each siting proposal in the notice;

(4) Explains the need for the proposed facilities;

(5) Describes the commercial availability of the generation technologies proposed in the notice (if not already determined to be commercially available by the commission); discusses the economic comparability of the proposals based upon comparative generation costs available to the applicant; and explains the impact of the proposed facilities on the overall reliability of the service area system;

(6) Specifies the measures proposed or being considered by the applicant to ensure public health, safety, and reliability during construction and operation of the proposed facilities at each site; and

(7) Indicates the degree to which the proposed facilities can be constructed and operated at each site in conformity with applicable federal, state, and local standards, laws, ordinances, and regulations, including any long-range land use plans or guidelines adopted by any federal, state, regional, or local planning agency.

(b) The purpose of notice of intention proceedings shall be to engage the applicant, the commission, interested agencies and members of the public in an open planning process designed to identify sufficient acceptable sites and related facilities ~~to meet the need for electricity determined pursuant to Section 25309 of the Public Resources Code~~. To this end, each notice of intention proceeding shall be conducted in order to determine the technical, environmental, public health and safety, economic, and social and land use acceptability of alternative sites and related facilities, by accomplishing each of the following:

~~(1) To make findings on the need for the proposed facility in terms of its conformity with the forecast and assessment of electricity demand adopted pursuant to Section 25309 of the Public Resources Code;~~

~~(2)~~(1) To provide information on the nature of the siting proposals to interested agencies and members of the public, and to actively solicit their assessments, comments, and recommendations on any aspect of the sites and related facilities proposed in the notice, including recommendations for modification in the location, design, construction or operation of the proposed facilities, or alternatives to the proposal;

~~(3)~~(2) To determine whether there is a reasonable likelihood that the facilities will comply with applicable federal, state, regional and local standards, laws, ordinances, regulations, and plans;

~~(4)~~(3) To attempt to resolve critical issues affecting the ability to employ the proposed technology at each of the sites and to determine the feasibility of any conditions or modifications necessary to make any site and related facilities proposed acceptable;

~~(5)~~(4) To determine whether the proposed facilities can be designed, constructed, and operated in a manner which ensures public health, safety, and reliability, by evaluating the adequacy of the measures proposed by the applicant, assessing their conformity with applicable

standards, and where appropriate, determining the necessity, feasibility, and relative costs and benefits of additional measures;

~~(6)~~(5) To identify the most serious environmental impacts and assess the feasibility of mitigating such impacts;

~~(7)~~(6) To consider alternatives to the proposal, including feasible alternative sites, facilities, or sites and related facilities which may substantially lessen any significant adverse effects which the applicant's proposals may have on the environment or which may better carry out the policies and objectives of the Act;

~~(8)~~(7) To consider the economic, financial, rate, system reliability, and service implications of the proposed facilities, in coordination with the Public Utilities Commission (for facilities requiring a certificate of public convenience and necessity) or with the board of directors or other appropriate body of a municipal utility (for all other facilities); and

~~(9)~~(8) To prevent any needless commitment of financial resources and regulatory effort prior to a determination of the basic acceptability of, and need for, the proposed facilities, and the suitability of proposed sites to accommodate the facilities; and to eliminate from further consideration and commitment of resources any site and related facility found to be unsuitable, unneeded, or otherwise unacceptable.

(c) In assessing the proposed sites and related facilities, the commission shall defer until the formal application stage (1) a detailed scrutiny of engineering and design aspects, (2) a detailed identification and analysis of significant adverse environmental impacts, or (3) a precise analysis of need for new generating facilities; provided, however, that issues relating to such matters may be considered where resolution of such issues will not unduly hinder or burden the parties and the proceeding and evidence for the resolution of such issues is readily available, or where resolution of such issues is necessary to determine the acceptability of one or more of the sites and related facilities proposed.

(d) It shall be the responsibility of the presiding member to ensure that the notice proceeding is conducted in a manner consistent with the purposes of this article and to ensure that the needless expenditure of time, effort, and financial resources in considering matters more appropriate for the formal certification stage is avoided.

#### **§ 1744. Review of Compliance with Applicable Laws.**

(a) Information on the measures planned by the applicant to comply with all applicable federal, state, regional, and local laws, regulations, standards, and plans shall be provided in the application as specified in the appropriate appendix. Such information shall not duplicate information contained in environmental, safety and reliability, and air quality sections of the application.

(b) Upon acceptance of the application, each agency responsible for enforcing the applicable mandate shall assess the adequacy of the applicant's proposed compliance measures to determine whether the facility will comply with the mandate. The commission staff shall assist

and coordinate the assessment of the conditions of certification to ensure that all aspects of the facility's compliance with applicable laws are considered.

(c) The applicant's proposed compliance measures and each responsible agency's assessment of compliance shall be presented and considered at hearings on the application held pursuant to Section 1748.

(d) If the applicant or any responsible agency asserts that an applicable mandate cannot be complied with, the commission staff shall independently verify the non-compliance, and advise the commission of its findings in the hearings.

(e) Comments and recommendations by a interested agency on matters within that agency's jurisdiction shall be given due deference by Commission staff.

#### **§ 1747. Final Staff Assessment**

At least 14 days before the start of the evidentiary hearings pursuant to section 1748 or at such other time as required by the presiding member, the staff shall publish the reports required under sections 1742.5, 1743, and 1744 ~~and a need assessment~~, as the final staff assessment, and shall distribute the final staff assessment to interested agencies, parties, and to any person who requests a copy.

## APPENDIX B: INFORMATION REQUIREMENTS FOR AN APPLICATION

### (a) Executive Summary

#### (1) Project Overview

(A) A general description of the proposed site and related facilities, including the location of the site or transmission routes, the type, size and capacity of the generating or transmission facilities, fuel characteristics, fuel supply routes and facilities, water supply routes and facilities, pollution control systems, and other general characteristics.

(B) Identification of the location of the proposed site and related facilities by section, township, range, county, and assessor's parcel numbers.

(C) A description of and maps depicting the region, the vicinity, and the site and its immediate surroundings.

(D) A full-page color photographic reproduction depicting the visual appearance of the site prior to construction, and a full-page color simulation or artist's rendering of the site and all project components at the site, after construction.

(E) In an appendix to the application, a list of current assessor's parcel numbers and owners' names and addresses for all parcels within 500 feet of the proposed transmission line and other linear facilities, and within 1000 feet of the proposed powerplant and related facilities.

(2) Project Schedule: Proposed dates of initiation and completion of construction, initial start-up, and full-scale operation of the proposed facilities.

#### (3) Project Ownership

(A) A list of all owners and operators of the site(s), the power plant facilities, and, if applicable, the thermal host, the geothermal leasehold, the geothermal resource conveyance lines, and the geothermal re-injection system, and a description of their legal interest in these facilities.

(B) A list of all owners and operators of the proposed electric transmission facilities.

(C) A description of the legal relationship between the applicant and each of the persons or entities specified in subsections (a)(3)(A) and (B).

### (b) Project Description

(1) In a section entitled, "Generation Facility Description, Design, and Operation" provide the following information:

(A) Maps at a scale of 1:24,000 (1" = 2000'), (or appropriate map scale agreed to by staff) along with an identification of the dedicated leaseholds by section, township, range, county, and county assessor's parcel number, showing the proposed final locations and layout of the power plant and all related facilities;

(B) Scale plan and elevation drawings depicting the relative size and location of the power plant and all related facilities to establish the accuracy of the photo simulations required in Sections (a)(1)(D) and (g)(6)(F) ;

(C) A detailed description of the design, construction, and operation of the facilities, specifically including the power generation, cooling, water supply and treatment, waste handling and control, pollution control, fuel handling, and safety, emergency and auxiliary systems, and fuel types and fuel use scenarios; and

(D) A description of how the site and related facilities were selected and the consideration given to engineering constraints, site geology, environmental impacts, water, waste and fuel constraints, electric transmission constraints, and any other factors considered by the applicant.

(2) In a section entitled, "Transmission Lines Description, Design, and Operation" provide the following information:

(A) Maps at a scale of 1:24,000 (or appropriate map scale agreed to by staff) of each proposed transmission line route, showing the settled areas, parks, recreational areas, scenic areas, and existing transmission lines within one mile of the proposed route(s);

(B) A full-page color photographic reproduction depicting a representative above ground section of the transmission line route prior to construction and a full-page color photographic simulation of that section of the transmission line route after construction;

(C) A detailed description of the design, construction, and operation of any electric transmission facilities, such as power lines, substations, switchyards, or other transmission equipment, which will be constructed or modified to transmit electrical power from the proposed power plant to the load centers to be served by the facility. Such description shall include the width of rights-of-way and the physical and electrical characteristics of electrical transmission facilities such as towers, conductors, and insulators. ~~This description shall include power load flow diagrams which demonstrate conformance or non-conformance with utility reliability and planning criteria at the time the facility is expected to be placed in operation and five years thereafter; and~~

(D) A description of how the route and additional transmission facilities were selected, and the consideration given to engineering constraints, environmental impacts, resource conveyance constraints, and electric transmission constraints; and

(E) A completed System Impact Study or signed System Impact Study Agreement with the California Independent System Operator and proof of payment. When not connecting to the California Independent System Operator controlled grid, provide the executed System Impact Study agreement and proof of payment to the interconnecting utility.

If the interconnection and operation of the proposed project will likely impact an transmission system that is not controlled by the interconnecting utility (or California Independent System Operator), provide evidence of a System Impact Study or agreement and proof of payment (when applicable) with/to the impacted transmission owner or provide evidence that there are no system impacts requiring mitigation.

(3) Applications for geothermal facilities shall contain the following additional information:

(A) Maps at a scale of 1:24,000 (or appropriate map scale agreed to by staff) showing the location of the geothermal leaseholds, along with a description by section, township, range, county, and assessor's parcel numbers of the leaseholds;

(B) Full-page color photographic reproductions of the geothermal leaseholds;

(C) A description of the process by which the geothermal leasehold was selected and the consideration given to engineering constraints, site geology, environmental impacts, water, steam, waste and fuel constraints, electric transmission constraints, and any other factors considered by the applicant. Include references to any environmental documents which address ~~steamfield~~ steam field development;

(D) A detailed description of the type, quality, and characteristics of the geothermal resource, including pressure and temperature flow rates, constituents and concentrations of ~~non-~~condensable non-condensable gases, and constituent concentrations of dissolved solids, and descriptions and concentrations of any substances potentially harmful to public health and safety or to the environment;

(E) Proposed locations of production and re-injection wells for the project. Include the applicant's assessment of geothermal resource adequacy, including the production history of those wells within the leaseholds dedicate to the project, including pressure decline curves as available; and

(F) A discussion of the potential impacts on the temperature, mineral content, and rate of flow of thermal springs affected by the project.

**(c) ~~Demand Conformance~~ Section Deleted**

~~In a section entitled, "Demand Conformance" provide a discussion explaining how the proposed project conforms with the requirements of Public Resources Code s 25524 or Public Resources Code s 25540.6(a)(5). If the provisions of Public Resources Code s 25523.5 are applicable, explain how the project conforms with the requirements of this section. Additional data adequacy requirements may be contained in the Electricity Report applicable pursuant to Title 20, California Code of Regulations, s 1720.5.~~

**(d) Information for Projects Which Completed the NOI Process**

(1) A copy of any study or analysis required by the terms of the Commission's Final Decision on the NOI, and a brief summary of the results of the study or analysis.

(2) Updates of any significant information which has changed since the Commission's Final Decision on the NOI.

**(e) Facility Closure**

(1) A schedule for the development of a preliminary plan for closing the project facilities when the project ceases operation at the end of its useful life.

(2) A discussion of how facility closure will be accomplished in the event of premature or unexpected cessation of operations.

**(f) Alternatives**

(1) A discussion of the range of reasonable alternatives to the project, or to the location of the project, including the no project alternative, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and an evaluation of the comparative merits of the alternatives. In accordance with Public Resources Code section 25540.6(b), a discussion of the applicant's site selection criteria, any alternative sites considered for the project, and the reasons why the applicant chose the proposed site.

(2) An evaluation of the comparative engineering, economic, and environmental merits of the alternatives discussed in subsection (f)(1).

**(g) Environmental Information**

(1) General Information: For each technical area listed below, provide a discussion of the existing site conditions, the expected direct, indirect, and cumulative impacts due to the construction, operation, and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation. Additional requirements specific to each technical area are listed below.

(2) Cultural Resources

(A) A ~~brief~~ summary of the ethnology, prehistory, and history of the region with emphasis on the area within no more than a 5-mile radius of the project location. -in which the project site and related facilities are located and maps at a scale of 1:24,000, indicating areas of ethnographic occupation. The region may vary depending on the extent of the territory occupied or used by prehistoric cultures indigenous to the area in which the project is located.

~~(B) A description of literature searches and field surveys used to provide information about known cultural resources in the project vicinity. If survey records of the area potentially physically affected by the project are not available, and the area has the potential for containing significant cultural resources, the applicant shall submit a new or revised survey for any portion of the area lacking comprehensive survey data. A discussion of the dates of the surveys, methods used in completing the surveys, and the identification and qualification of the individuals conducting the surveys shall be included.~~

(B) The results of a literature search to identify cultural resources within an area not less than a 1-mile radius around the project site and not less than one-quarter (0.25) mile on each side of the linear facilities. Identify any cultural resources listed pursuant to ordinance by a city or county, or recognized by any local historical or archaeological society or museum. Literature searches to identify the above cultural resources must be completed by, or under the direction of, individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

Copies of California Department of Parks and Recreation (DPR) 523 forms shall be provided for all cultural resources (ethnographic, architectural, historical, and archaeological) identified in the literature search as being 45 years or older or of exceptional importance as defined in the National Register Bulletin Guidelines, (36CFR60.4(g)). A copy of the USGS 7.5' quadrangle map of the literature search area delineating the areas of all past surveys and noting the California Historical Resources Information System (CHRIS) identifying number shall be provided. Copies also shall be provided of all technical reports whose survey coverage is wholly or partly within .25 mile of the area surveyed for the project under Section (g)(2)(C), or which report on any archaeological excavations or architectural surveys within the literature search area.

~~(C) A discussion of the sensitivity of the project area described in subsection (g)(2)(A) and the presence and significance of any known archeological sites and other cultural resources that may be affected by the project. Information on the specific location of archeological resources shall be included in a separate appendix to the application and submitted to the Commission under a request for confidentiality pursuant to Title 20, California Code of Regulations, § 2501 et seq.~~

(C) The results of new surveys or surveys less than 5 years old shall be provided if survey records of the area potentially affected by the project are more than five (5) years old. Surveys to identify new cultural resources must be completed by (or under the direction of) individuals who meet the Secretary of the Interior's Professional Standards for the technical area addressed.

New pedestrian archaeological surveys shall be conducted inclusive of the project site and project linear facility routes, extending to no less than 200' around the project site, substations and staging areas, and to no less than 50' to either side of the right-of-way of project linear facility route. New historic architecture field surveys in rural areas shall be conducted inclusive of the project site and the project linear facility routes, extending no less than .5 mile out from the proposed plant site and from the routes of all above-ground linear facilities. New historic architecture field surveys in urban and suburban areas shall be conducted inclusive of the project site, extending no less than one parcel's distance from all proposed plant site boundaries. New

historic architecture field reconnaissance (“windshield survey”) in urban and suburban areas shall be conducted along the routes of all linear facilities to identify, inventory, and characterize structures and districts that appear to be older than 45 years or that are exceptionally significant, whatever their age.

A technical report of the results of the new surveys, conforming to the Archaeological Resource Management Report format (CA Office of Historic Preservation Feb 1990), shall be separately provided and submitted (under confidential cover if archaeological site locations are included). Information included in the technical report shall also be provided in the Application for Certification, except that confidential information (archaeological sites or areas of religious significance) shall be submitted under a request for confidentiality pursuant to Title 20, California Code of Regulations, § 2501 et seq. At a minimum, the technical report shall include the following:

(i) The summary from Appendix B (g)(2)(A) and the literature search results from Appendix B (g)(2)(B).

(ii) The survey procedures and methodology used to identify cultural resources and a discussion of the cultural resources identified by the survey.

(iii) Copies of all new and updated DPR 523(A) forms. If a cultural resource may be impacted by the project, also include the appropriate DPR 523 detail form for each such resource.

(iv) A map at a scale of 1:24,000 U.S. Geological Survey quadrangle depicting the locations of all previously known and newly identified cultural resources compiled through the research required by Appendix B (g)(2)(B) and Appendix B (g)(2)(C) (ii).

(v) The names and qualifications of the cultural resources specialists who contributed to and were responsible for literature searches, surveys, and preparation of the technical report.

~~(D) A summary of contacts and communications with, and responses from, Native American representatives who may have an interest in heritage lands and/or resources potentially affected by the proposed project.~~

(D) Provide a copy of your request to the Native American Heritage Commission (NAHC) for information on Native American sacred sites and lists of Native Americans interested in the project vicinity, and copies of any correspondence received from the NAHC. Notify the Native Americans on the NAHC list about the project, including a project description and map. Provide a copy of all correspondence sent to Native American individuals and groups listed by the NAHC and copies of all responses. Provide a written summary of any oral responses.

(E) Include in the discussion of proposed mitigation measures required by subdivision (g)(1):

(i) A discussion of measures proposed to mitigate project impacts to known cultural resources:

(ii) A set of contingency measures proposed to mitigate potential impacts to previously unknown cultural resources and any unanticipated impacts to known cultural resources.:

(iii) Educational programs to enhance employee awareness during construction and operation to protect cultural resources.

### (3) Land Use

(A) A discussion of existing land uses and current zoning at the site, land uses and land use patterns within one mile of the proposed site and within one-quarter mile of any project-related linear facilities. Include:

(i) An identification of residential, commercial, industrial, recreational, scenic, agricultural, natural resource protection, natural resource extraction, educational, religious, cultural, and historic areas, and any other area of unique land uses;

(ii) A discussion of any trends in recent or proposed zoning zone changes and/or general plan amendments potential future land use development; noticed by an elected or appointed board, commission, or similar entity at the state or local level.

(iii) Identification of all discretionary reviews by public agencies initiated or completed within 18 months prior to filing the application for those changes or developments identified in subsection (g)(3)(A)(ii); and

(iv) Legible maps of the areas identified in subsection (g)(3)(A) potentially affected by the project, on which existing land uses, jurisdictional boundaries, general plan designations, specific plan designations, and zoning have been clearly delineated.

(B) A discussion of the compatibility of the proposed project facilities with present and expected land uses, and conformity with any long-range land use plans adopted by any federal, state, regional, or local planning agencies. The discussion shall identify the need, if any, for land use decisions by another public agency or as part of the commission's decision variances or any measures that would be necessary to make the project proposal conform to adopted federal, state, regional, or local coastal plans, land use plans, or zoning ordinances. with permitted land uses. Examples of land use decisions include: general plan amendments, zoning changes, lot line adjustments, parcel mergers, subdivision maps, Agricultural Land Conservation Act contracts cancellation, and Airport Land Use Plan consistency determinations.

(C) A discussion of the legal status of the parcel(s) on which the project is proposed. If the proposed site consists of more than one legal parcel, describe the method and timetable for merging or otherwise combining those parcels so that the proposed project, excluding linears and temporary laydown or staging area, will be located on a single legal parcel. The merger need not occur prior to a decision on the Application but must be completed prior to the start of construction.

(D) A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:

(i) Crop types, irrigation systems, and any special cultivation practices; and

(ii) Whether farmland affected by the project is prime, of statewide importance, or unique as defined by the California Department of Conservation.

(iii) Direct, indirect, and cumulative effects on agricultural land uses; ~~and~~ If the proposed site or related facilities are subject to an Agricultural Land Conservation contract, provide a written copy and a discussion of the status of the expiration or canceling of such contract.

#### (4) Noise

(A) A land use map which identifies residences, hospitals, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment within the area impacted by the proposed project. The area potentially impacted by the proposed project is that area where, during either construction or operation, there is a potential increase of 5 dB(A) or more, ~~during either construction or operation~~, over existing background levels.

(B) A description of the ambient noise levels at those sites identified under subsection (g)(4)(A) which the applicant believes provide a representative characterization of the ambient noise levels in the project vicinity, and a discussion of the general atmospheric conditions, including temperature, humidity, and the presence of wind and rain at the time of the measurements. The existing noise levels shall be determined by taking noise measurements for a minimum of 25 consecutive hours at a minimum of one site. Other sites may be monitored for a lesser duration at the applicant's discretion, preferably during the same 25-hour period. The results of the noise level measurements shall be reported as hourly averages in Leq (equivalent sound or noise level), Ldn (day-night sound or noise level) or CNEL (Community Noise Equivalent Level) in units of dB(A). The L10, L50, and L90 values (noise levels exceeded 10 percent, 50 percent, and 90 percent of the time, respectively) shall also be reported in units of dB(A).

(C) A description of the major noise sources of the project, including the range of noise levels and the tonal and frequency characteristics of the noise emitted.

(D) An estimate of the project noise levels, during both construction and operation, at residences, hospitals, libraries, schools, places of worship, or other facilities where quiet is an important attribute of the environment, within the area impacted by the proposed project.

(E) An estimate of the project noise levels within the project site boundary during both construction and operation and the impact to the workers at the site due to the estimated noise levels.

(F) The audible noise from existing switchyards and overhead transmission lines that would be affected by the project, and estimates of the future audible noise levels that would result from

existing and proposed switchyards and transmission lines. Noise levels shall be calculated at the property boundary for switchyards and at the edge of the rights-of-way for transmission lines.

(5) Traffic and Transportation

(A) A regional transportation setting, on topographic maps (scale of 1:250,000), identifying the project location and major transportation facilities. Include a reference to the transportation element of any applicable local or regional plan.

(B) If the proposed project including any linear is to be located within 20,000 feet of an airport runway that is at least 3,200 feet in actual length, or 5,000 feet of a heliport (or planned or proposed airport runway or an airport runway under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration), discuss the project's compliance with the applicable sections of the current Federal Aviation Regulation Part 77 – Objects Affecting Navigable Airspace, specifically any potential to obstruct or impede air navigation generated by the project at operation; such as, a thermal plume, a visible water vapor plume, glare, electrical interference, or surface structure height. The discussion should include a map at a scale of 1:24,000 that displays the airport or airstrip runway configuration, the proposed power plant site and related facilities.

~~(B)~~ (C) An identification, on topographic maps at a scale of 1:24,000, and a description of existing and planned roads, rail lines, (including light rail), bike trails, airports, bus routes serving the project vicinity, pipelines, and canals in the project area affected by or serving the proposed facility. For each road identified, include the following information, where applicable:

(i) Road classification and design capacity;

(ii) Current daily average and peak traffic counts;

(iii) Current and projected levels of service before project development, during construction, and during project operation;

(iv) Weight and load limitations;

(v) Estimated percentage of current traffic flows for passenger vehicles and trucks; and

(vi) An identification of any road features affecting public safety.

~~(C) A description of any new, planned, or programmed transportation facilities in the project vicinity, including those necessary for construction and operation of the proposed project. Specify the location of such facilities on topographic maps at a scale of 1:24,000.~~

(D) An assessment of the construction and operation impacts of the proposed project on the transportation facilities identified in subsection (g)(5)(C). Also include anticipated project-specific traffic, estimated changes to daily average and peak traffic counts, levels of

service, and traffic/truck mix, and the impact of construction of any facilities identified in subsection (g)(5)(C).

(E) A discussion of project-related hazardous materials to be transported to or from the project during construction and operation of the project, including the types, estimated quantities, estimated number of trips, anticipated routes, means of transportation, and any transportation hazards associated with such transport.

## (6) Visual Resources

(A) Descriptions of the existing visual setting of the vicinity of the proposed project site and the proposed routes for any project-related linear facilities, the region that can be seen from the vicinity of the project, and the proposed project site. Include:

(i) Topographic maps at a scale of 1:24,000 of the areas that depict directions from which the project would ~~may~~ be seen, identification of the view areas most sensitive to the potential visual impacts of the project, and the locations where photographs were taken for (g)(6)(C); and

(ii) Elevations of any existing structures on the site; and

(iii) The Description of the existing visual properties of the topography, vegetation, and any modifications to the landscape as a result of human activities, including existing water vapor plumes, above-ground electrical transmission lines, and nighttime lighting levels in the project viewshed.

(B) An assessment of the visual quality of those areas that would ~~will~~ be affected ~~impacted~~ by the proposed project. For projects proposed to be located within the coastal zone, the assessment should also describe how the proposed project would be sited to protect views to and along the ocean and scenic coastal areas, would minimize the alteration of natural land forms, would be visually compatible with the character of surrounding areas.

(C) ~~After discussions~~ In consultation with Energy Commission staff and community residents who live in close proximity to the proposed project, identify the i) any designated scenic roadways or scenic corridors and any visually sensitive areas that would be potentially affected by the proposed project, including recreational and residential areas and ii) the locations of the key observation points to represent the most critical viewing locations from which to conduct detailed analyses of the visual impacts of the proposed project. Indicate the approximate number of people using each of these sensitive areas and the estimated number of residences with views of the project. For purposes of this section, a scenic corridor is that area of land with scenic natural beauty, adjacent to and visible from a linear feature, such as a road, or river. Also identify any major public roadways and trails of local importance that would be visually impacted by the project and indicate the types of travelers (e.g., local residents, recreationists, workers, commuters, etc.) and the approximate number of vehicles, bicyclists, and/or hikers per day.

(D) A table providing ~~description~~ of the dimensions (height, length, and width, or diameter) and, proposed color(s), and materials, finishes, patterns, and other proposed design characteristics of

each major visible component visible from off of the project site, including any project-related electrical transmission line and/or offsite aboveground pipelines and metering stations.

(E) Provide the cooling tower and heat recovery steam generator (HRSG) exhaust design parameters that affect visible plume formation. For the cooling tower, data shall include heat rejection rate, exhaust temperature, exhaust mass flow rate, liquid to gas mass flow ratio, and, if the tower is plume-abated, moisture content (percent by weight) or plume-abated fogging curve(s). The parameters shall account for a range of ambient conditions (temperature and relative humidity) and proposed operating scenarios, such as duct firing and shutting down individual cells. For the heat recovery steam generator exhausts, data shall include moisture content (percent by weight), exhaust mass flow rate, and exhaust temperature. The parameters must correspond to full-load operating conditions at specified ambient conditions, and shall account for proposed operating scenarios, such as power augmentation (i.e., evaporative coolers, inlet foggers, or steam injection) and duct firing, or proposed HRSG visible plume abatement, such as the use of an economizer bypass. For simple-cycle projects, provide analogous data for the exhaust stack(s).

~~(E)~~ (F) Provide: i) Full-page color photographic reproductions of the existing site, and ii) full-page color simulations of the proposed project at life-size scale when the picture is held 10 inches from the viewer's eyes, including any project-related electrical transmission lines, in the existing setting from each key observation point. If any landscaping is proposed to comply with zoning requirements or to mitigate visual impacts, include the landscaping in simulation(s) representing sensitive area views, depicting the landscaping five years after installation; and estimate the expected time until maturity is reached. Location representative of the view areas most sensitive to the potential visual impacts of the project.

~~(F)~~ (G) An assessment of the visual impacts of the project, including light, and glare, and any modeling of visible plumes. Include a description of the method and identify any computer model used to assess the impacts. Provide an estimate of the expected frequency and dimensions (height, length, and width) of the visible cooling tower and/or exhaust stack plumes. Provide the supporting assumptions, meteorological data, operating parameters, and calculations used.

(H) If any landscaping is proposed to reduce the visual impacts of the project, provide a conceptual landscaping plan at a 1:40 scale (1"=40'). Include information on the type of plant species proposed, their size, quantity, and spacing at planting, expected heights at 5 years and maturity, and expected growth rates.

#### (7) Socioeconomics

(A) A description of the socioeconomic circumstances of the vicinity and region affected by construction and operation of the project. Include:

(i) The economic characteristics, including the economic base, fiscal resources, and a list of the applicable local agencies with taxing powers and their most recent and projected revenues;

(ii) The social characteristics, including population and demographic and community trends;

(iii) Existing unemployment rates;

(iv) Availability of skilled workers by craft required for construction and operation of the project;

(v) Availability of temporary and permanent housing and current vacancy rate; and

(vi) Capacities, existing and expected use levels, and planned expansion of utilities (gas, water, and waste) and public services, including fire protection, law enforcement, emergency response, medical facilities, other assessment districts, and school districts. For projects outside metropolitan areas with a population of 500,000 or more, information for each school district shall include current enrollment and yearly expected enrollment by grade level groupings, excluding project-related changes.

(B) A discussion of the socioeconomic impacts caused by the construction and operation of the project (note year of estimate, model, if used, and appropriate sources), including:

(i) An estimate of the number of workers to be employed each month by craft during construction, and for operations, an estimate of the number of permanent operations workers during a year;

(ii) An estimate of the ~~number and~~ percentage of non-local workers who will ~~commute daily, commute weekly, or relocate to the project area in order~~ to work on the project;

(iii) An estimate of the potential population increase caused directly and indirectly by the project;

(iv) The potential impact of population increase on housing during the construction and operations phases;

(v) The potential impacts, including additional costs, on utilities (gas, water, and waste) and public services, including fire, law enforcement, emergency response, medical facilities, other assessment districts, and school districts. Include response times to hospitals and for police, and emergency services. For projects outside metropolitan areas with a population of 500,000 or more, information on schools shall include project-related enrollment changes by grade level groupings and associated facility and staffing impacts by school district during the construction and operating phases;

(vi) An estimate of applicable school impact fees;

(vii) An estimate of the total construction payroll and separate an estimates of the total operation payroll for permanent and short-term (contract) operations employees;

(viii) An estimate of the expenditures for locally purchased materials for the construction and operation phases of the project; and

(ix) An estimate of the capital cost (plant and equipment) of the project ~~of the potential impacts on tax revenues from construction and operation of the project.~~

(x) An estimate of sales taxes generated during construction and separately during an operational year of the project.

(xi) An estimate of property taxes generated during an operational year of the project.

(xii) The expected direct, indirect, and induced income and employment effects due to construction, operation, and maintenance of the project.

## (8) Air Quality

(A) The information necessary for the air pollution control district where the project is located to complete a Determination of Compliance.

(B) The heating value and chemical characteristics of the proposed fuels, the stack height and diameter, the exhaust velocity and temperature, the heat rate and the expected capacity factor of the proposed facility.

(C) A description of the control technologies proposed to limit the emission of criteria pollutants.

(D) A description of the cooling system, the estimated cooling tower drift rate, the rate of water flow through the cooling tower, and the maximum concentrations of total dissolved solids.

(E) The emission rates of criteria pollutants and greenhouse gases (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and SF<sub>6</sub>) from the stack, cooling towers, fuels and materials handling processes, delivery and storage systems, and from all on-site secondary emission sources.

(F) (i) A description of typical operational modes, and start-up and shutdown modes for the proposed project, including the estimated frequency of occurrence and duration of each mode, and estimated emission rate for each criteria pollutant during each mode.

(ii) A description of the project's planned initial commissioning phase, which is the phase between the first firing of emissions sources and the commercial operations date, including the types and durations of equipment tests, criteria pollutant emissions, and monitoring techniques to be used during such tests.

(G) The ambient concentrations of all criteria pollutants for the previous three years as measured at the three Air Resources Board certified monitoring stations located closest to the project site, and an analysis of whether this data is representative of conditions at the project site. The applicant may substitute an explanation as to why information from one, two, or all stations is either not available or unnecessary.

(H) One year of meteorological data collected from either the Federal Aviation Administration Class 1 station nearest to the project or from the project site, or meteorological data approved by the California Air Resources Board or the local air pollution district.

(i) If the data is collected from the project site, the applicant shall demonstrate compliance with the requirements of the U.S. Environmental Protection Agency document entitled "On-Site Meteorological Program Guidance for Regulatory Modeling Applications" (EPA - 450/4-87-013 (August 1995)), which is incorporated by reference in its entirety.

(ii) The data shall include quarterly wind tables and wind roses, ambient temperatures, relative humidity, stability and mixing heights, upper atmospheric air data, and an analysis of whether this data is representative of conditions at the project site.

(I) An evaluation of the project's direct and cumulative air quality impacts, consisting of the following:

(i) A screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct ~~criteria inert~~ pollutant impacts of project construction activities on ambient air quality conditions, including fugitive dust (PM 10) emissions from grading, excavation and site disturbance, as well as the combustion emissions [nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), particulate matter less than 10 microns in diameter (PM 10) and particulate matter less than 2.5 microns in diameter (PM2.5)] from construction-related equipment;

(ii) A screening level air quality modeling analysis, or a more detailed modeling analysis if so desired by the applicant, of the direct ~~inert~~ criteria pollutant (NO<sub>x</sub>, SO<sub>2</sub>, CO, PM10 and PM2.5) impacts on ambient air quality conditions of the project during typical (normal) operation, and during shutdown and startup modes of operation. Identify and include in the modeling of each operating mode the estimated maximum emissions rates and the assumed meteorological conditions; and

(iii) A protocol for a cumulative air quality modeling impacts analysis of the project's typical operating mode in combination with other stationary emissions sources within a six mile radius which have received construction permits but are not yet operational, or are in the permitting process. The cumulative inert pollutant impact analysis should assess whether estimated emissions concentrations will cause or contribute to a violation of any ambient air quality standard.

(iv) an air dispersion modeling analyses of the impacts of the initial commissioning phase emissions on state and federal ambient air quality standards for NO<sub>x</sub>, SO<sub>2</sub>, CO, PM10 and PM2.5.

(J) If an emission offset strategy is proposed to mitigate the project's impacts under subsection (g)(1), provide the following information:

(i) The quantity of offsets or emission reductions that are needed to satisfy air permitting requirements of local permitting agencies (such as the air district), state and federal oversight air agencies, and the California Energy Commission. Identify by criteria air pollutant, and if appropriate, greenhouse gas; and

(ii) Potential offset sources including location, and quantity of emission reductions;

~~(iii) Method of emission reduction.~~

~~(K) A topographic map containing contour and elevation data, at a scale of 1:24,000, showing the area within 6 miles of the power plant site.~~

(K) a detailed description of the mitigation, if any, which an applicant may propose, for all project impacts from criteria pollutants that currently exceed state or federal ambient air quality standards, but are not subject to offset requirements under the district's new source review rule.

## (9) Public Health

~~(A) A list of all toxic substances emitted by the project under normal operating conditions, which may cause an adverse public health impact as a result of acute, or chronic, or sub-chronic exposure and to which members of the public may be exposed. The list should include, at a minimum, any pollutants emitted by the project that are listed pursuant to Health and Safety Code s 25249.8.~~

(A) An assessment of the potential risk to human health from the project's hazardous air emissions using the Air Resources Board Hotspots Analysis and Reporting Program (HARP) or its successor and Approved Risk Assessment Health Values. These values should include the cancer potency values and noncancer reference exposure levels approved by the Office of Environmental Health Hazard Assessment (OEHHA Guidelines, Cal-EPA 2005).

~~(B) A protocol describing the analysis which the applicant will conduct to determine the extent of potential public exposure to substances identified in subsection (g)(9)(A) resulting from normal facility operation. The analysis itself can be submitted after the AFC is completed.~~

(B) A listing of the input data and output results, in both electronic and print formats, used to prepare the HARP health risk assessment.

~~(C) A map at a scale of 1:24,000, showing all terrain areas exceeding the elevation of the stack within a 10-mile radius of the facility.~~

(C) Identification of available health studies through the local public health department concerning the potentially affected population(s) within a six-mile radius of the proposed power plant site related to respiratory illnesses, cancers or related diseases.

~~(D) A map at a scale of 1:24,000, showing the distribution of population and sensitive receptors within the area exposed to the substances identified in subsection (g)(9)(A).~~

(E) For purposes of this section, the following definitions apply:

(i) A sensitive receptor refers to infants and children, the elderly, and the chronically ill, and any other member of the general population who is more susceptible to the effects of the exposure than the population at large.

(ii) An acute exposure is one which occurs over a time period of less than or equal to one (1) hour between the time of emission and eight hours after the emission.

~~(iii) A sub-chronic exposure is one in which total exposure over a one-week period is greater than four hours, but less than sixteen hours.~~

~~(iiiiv) A chronic exposure is one which is greater than twelve (12) percent of a lifetime of seventy (70) years. occurs intermittently and repeatedly for more than one month.~~

#### (10) Hazardous Materials Handling

(A) A list of all materials used or stored on-site which are hazardous or acutely hazardous, as defined in Title 22, California Code of Regulations, s 66261.20 et seq., and a discussion of the toxicity of each material.

(B) A map at a scale of 1:24,000 depicting the location of schools, hospitals, day-care facilities, emergency response facilities, and long-term health care facilities, within the area potentially affected by any release of hazardous materials.

(C) A discussion of the storage and handling system for each hazardous material used or stored at the site.

(D) For each hazardous material stored or used at the site, an evaluation of the likelihood, consequences, and potential quantity of an accidental release, the locations and estimates of maximum acute exposure levels, and the operating and plausible worst-case upset conditions that could lead to a release.

(E) The protocol that will be used in modeling potential consequences of accidental releases that could result in off site impacts. Identify the model(s) to be used, a description of all input assumptions, including meteorological conditions. The results of the modeling analysis can be substituted after the AFC is complete.

(F) A discussion of whether a Risk Management Prevention Plan (Health and Safety Code s 25500 et seq.) will be required, and if so, the requirements that will likely be incorporated into the plan.

(G) A discussion of measures proposed to reduce the risk of any release of hazardous materials.

(H) A discussion of the fire and explosion risks associated with the project.

(11) Worker Safety

(A) A description of the safety training programs which will be required for construction and operation personnel.

(B) A complete description of the fuel handling system and the fire suppression system.

(C) Provide draft outlines of the Construction Health and Safety Program and the Operation Health and Safety Program, as follows:

Construction Health and Safety Program:

- \* Injury and Illness Prevention Plan (8 Cal. Code Regs., § 1509);
- \* Fire Protection and Prevention Plan (8 Cal. Code Regs., § 1920);
- \* Personal Protective Equipment Program (8 Cal. Code Regs., §§ 1514-1522).

Operation Health and Safety Program:

- \* Injury and Illness Prevention Program (8 Cal. Code Regs., § 3203);
- \* Fire Prevention Plan (8 Cal. Code Regs., § 3221);
- \* Emergency Action Plan (8 Cal. Code Regs., § 3220);
- \* Personal Protective Equipment Program (8 Cal. Code Regs., §§ 3401-3411).

(12) Waste Management

(A) A Phase I Environmental Site Assessment (ESA) for the proposed power plant site using methods prescribed by the most recent version of the American Society for Testing and Materials (ASTM) document entitled "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (Designation: E 1527-93, ~~May 1993~~), which is incorporated by reference in its entirety; or an equivalent method agreed upon by the applicant and the CEC Staff that provides similar documentation of the potential level and extent of site contamination. The Phase I ESA shall have been completed no earlier than one year prior to the filing of the AFC.

(B) A description of each waste stream estimated to be generated during project construction and operation, including origin, hazardous or nonhazardous classification pursuant to Title 22, California Code of Regulations, Sections 66261.20 et seq., chemical composition, estimated annual weight or volume generated, and estimated frequency of generation.

(C) A description of all waste disposal sites which may feasibly be used for disposal of project wastes. For each site, include the name, location, classification under Title 23, California Code

of Regulations, Sections 2530 et seq., the daily or annual permitted capacity, daily or annual amounts of waste currently being accepted, the estimated closure date and remaining capacity, and a description of any enforcement action taken by local or state agencies due to waste disposal activities at the site.

(D) A description of management methods for each waste stream, including methods used to minimize waste generation, length of on- and off-site waste storage, re-use and recycling opportunities, waste treatment methods used, and use of contractors for treatment.

### (13) Biological Resources

(A) A regional overview and discussion of terrestrial and aquatic biological resources, with particular attention to sensitive biological resources within ten (10) miles of near the project, and Include a map at a scale of 1:100,000 (or some other suitable scale) showing sensitive biological resource their location(s) in relation to the project site and related facilities and any boundaries of a local Habitat Conservation Plan or similar open space land use plan or designation. Sensitive biological resources include the following:

(i) species listed under state or federal Endangered Species Acts;

(ii) resources defined in sections 1702(q) and (v) of Title 20 of the California Code of Regulations;

(iii) species identified as state Fully Protected;

(iv) species covered by Migratory Bird Treaty Act;

(v) species and habitats identified by local, state, and federal agencies as needing protection, including but not limited to those identified by the California Natural Diversity Database, or where applicable, in Local Coastal Programs or in relevant decisions of the California Coastal Commission; and

(vi) fish and wildlife species that have commercial and/or recreational value.

(B) A discussion and detailed maps at a scale of 1:6,000, of the biological resources at the site of the proposed project and related facilities, and in areas adjacent to them, out to a mile from the site and 1000 feet from the outer edge of linear facility corridors. Include a list of the species actually observed and those with a potential to occur within 1 mile of the project site and 1,000 feet from the outer edge of linear facility corridors. The discussion and maps shall address the distribution of community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and the presence of sensitive biological resources.

Maps or aerial photographs shall include the following:

(i) Detailed maps at a scale of 1:6,000 or color aerial photographs taken at a recommended scale of 1 inch equals 500 feet (1:6,000) with a 30 percent overlap that show the proposed project site and related facilities, biological resources including, but not limited to, those found during

project-related field surveys and records from the California Natural Diversity Database, and the associated areas where biological surveys were conducted. Label the biological resources and survey areas as well as the project facilities.

(ii) A depiction of the extent of the thermal plume at the surface of the water if cooling water is proposed to be discharged to a water source. Provide the location for the intake and discharge structures on an aerial photograph(s) or detailed maps. Water sources include, but are not limited to, waterways, lakes, impoundments, oceans, bays, rivers, and estuaries.

(iii) An aerial photo or wetlands delineation maps at a scale of (1:2,400) showing any potential jurisdictional and non-jurisdictional wetlands delineated out to 250 feet from the edge of disturbance if wetlands occur within 250 feet of the project site and/or related facilities that would be included with the US Army Corps of Engineers Section 404 Permit application. For projects proposed to be located within the coastal zone, also provide aerial photographs or maps as described above that identify wetlands as defined by the Coastal Act.

~~(C) A description of all studies and surveys used to provide biological information about the project site, including seasonal surveys and copies of the California Department of Fish and Game's Natural Diversity Data Base Survey Forms, "California Native Species Field Survey Forms", and "California Natural Community Field Survey Forms", completed by the applicant. Include the dates and duration of the studies, methods used to complete the studies, and the names and qualifications of individuals conducting the studies.~~

(C) A discussion of the biological resources at the proposed project site and related facilities. Related facilities include, but are not limited to, laydown and parking areas, gas and water supply pipelines, transmission lines, and roads. The discussion shall address the distribution of vegetation community types, denning or nesting sites, population concentrations, migration corridors, breeding habitats, and other appropriate biological resources including the following:

(i) A list of all the species actually observed.

(ii) A list of sensitive species and habitats with a potential to occur (as defined in (A) above).

(iii) If cooling water is taken directly from or discharged to a surface water feature source, include a description of the intake structure, screens, water volume, intake velocity hydraulic zone field of influence, and the thermal plume dispersion area as depicted in response to B(ii) above. Describe the thermal plume size and dispersion under high and low tides, and in response to local currents and seasonal changes. Provide a discussion of the aquatic habitats, biological resources, and critical life stages found in these affected waters. For repower projects that anticipate no change in cooling water flow, this information shall be provided in the form of the most recent federal Clean Water Act 316(a) and (b) studies of entrainment and impingement impacts that has been completed within the last five (5) years. For new projects or repower projects proposing to use once-through cooling and anticipating an increase in cooling water flow, provide a complete impingement and entrainment analysis per guidance in (D)(ii), below.

~~(D) A description of all permanent and temporary impacts to biological resources from site preparation, construction activities, and plant operation. Discussion of impacts must consider impacts from cooling tower drift, and from the use and discharge of water during construction and operation. For facilities which use once through cooling or take or discharge water directly from or to natural sources, discuss impacts resulting from entrainment, impingement, thermal discharge, effluent chemicals, type of pump (if applicable), temperature, volume and rate of flow at intake and discharge location, and plume configuration in receiving water.~~

(D) A description and results of all field studies and seasonal surveys used to provide biological baseline information about the project site and associated facilities. Include copies of the California Natural Diversity Database records and field survey forms completed by the applicant's biologist(s). Identify the date(s) the surveys were completed, methods used to complete the surveys, and the name(s) and qualifications of the biologists conducting the surveys. Include:

(i) Current biological resources surveys conducted using appropriate field survey protocols during the appropriate season(s). State and federal agencies with appropriate jurisdiction shall be consulted for field survey protocol guidance prior to surveys if a protocol exists.

(ii) If cooling water is proposed to be taken directly from or discharged to a surface water feature source, seasonal aquatic resource studies and surveys shall be conducted. Aquatic resource survey data shall include, but is not limited to, fish trawls, ichthyoplankton and benthic sampling, and related temperature and water quality samples. For new projects or repower projects anticipating a change in cooling water flows, sampling protocols shall be provided to the Energy Commission staff for review and concurrence prior to the start of sampling. For repower projects not anticipating a change in cooling water flows, this information shall be provided in the form of the most recent federal Clean Water Act 316(b) impingement and entrainment impact study completed within five (5) years of the AFC filing date.

(iii) If the project or any related facilities could impact a jurisdictional or non-jurisdictional wetland, provide completed Army Corps of Engineers wetland delineation forms and/or determination of wetland status pursuant to Coastal Act requirements, name(s) and qualifications of biologist(s) completing the delineation, the results of the delineation and a table showing wetland acreage amounts to be impacted.

(E) Impacts A-discussion of the following:

~~(i) All measures proposed to avoid and/or reduce any adverse impacts;~~

(i) all impacts (direct, indirect, and cumulative) to biological resources from project site preparation, construction activities, plant operation, maintenance, and closure. Discussion shall also address sensitive species habitat impacts from cooling tower drift and air emissions.

~~(ii) All measures proposed to mitigate any adverse impacts, including any proposals for off site mitigation;~~

(ii) facilities that propose to take water directly from, and/or discharge water to surface water features, daytime and nighttime impacts from the intake and discharge of water during operation, water velocity at the intake screen, the intake field of influence, impingement, entrainment, and thermal discharge. Provide a discussion of the extent of the thermal plume, effluent chemicals, oxygen saturation, intake pump operations, and the volume and rate of cooling water flow at the intake and discharge location.

~~(iii) Any educational programs proposed to enhance employee awareness in order to protect biological resources.~~

(iii) Methods to control biofouling, chemical concentrations, and temperatures that is currently being discharged or will be discharged to receiving waters.

~~(F) A discussion of compliance and monitoring programs to ensure the effectiveness of mitigation measures incorporated into the project.~~

(F) A discussion of all feasible mitigation measures including, but not limited to the following:

(i) All measures proposed to avoid and/or reduce adverse impacts to biological resources.

(ii) All off-site habitat mitigation and habitat improvement or compensation, and an identification of contacts for compensation habitat and management.

(iii) Design features to better disperse or eliminate a thermal discharge.

(iv) All measures proposed to avoid or minimize adverse impacts of cooling water intake. This shall include a Best Technology Available (BTA) discussion. If BTA is not being proposed, the rationale for not selecting BTA must be provided.

(v) Educational programs to enhance employee awareness during construction and operation to protect biological resources.

~~(G) A discussion of compliance and monitoring programs to ensure the effectiveness of impact avoidance and mitigation measures incorporated into the project. native fish and wildlife species of commercial and/or recreational value that could be impacted by the project.~~

~~(H) For purposes of this section, sensitive biological resources are one of the following:~~

(H) Submit copies of any preliminary correspondence between the project applicant and state and federal resource agencies regarding whether federal or state permits from other agencies such as the U. S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, the California Department of Fish and Game, and the Regional Water Quality Control Board will be required for the proposed project.

~~(i) Species listed under state or federal Endangered Species Acts;~~

~~(ii) Resources defined in sections 1702 (q) and (v) of Title 20 of the California Code of Regulations; and~~

~~(iii) Species or habitats identified by legislative acts as requiring protection.~~

(14) Water Resources

~~(A) All information required by the Regional Water Quality Control Board in the region where the project will be located to apply for:~~

(A) All the information required to apply for the following permits, if applicable, including:

(i) Waste Discharge Requirements; and National Pollutant Discharge Elimination System Permit; and/or a Section 401 Certification or Waiver from the appropriate Regional Water Quality Control Board (RWQCB);-

~~(ii) National Pollutant Discharge Elimination System Permit~~

(ii) Construction and Industrial Waste Discharge and/or Industrial Pretreatment permits from wastewater treatment agencies;

(iii) Nationwide Permits and/or Section 404 Permits from the U.S. Army Corps of Engineers; and

(iv) Underground Injection Control Permit(s) from the U.S. Environmental Protection Agency, California Division of Oil and Gas, and RWQCB.

(B) A detailed description of the hydrologic setting of the project. The information shall include a narrative discussion and maps at a scale of 1:24,000 (or appropriate scale approved by staff), describing the chemical and physical characteristics of the following nearby water bodies that may be affected by the proposed project:

(i) Ground water bodies and related geologic structures;

(ii) Surface water bodies; and

(iii) Water inundation zones, such as the 100-year flood plain and tsunami run-up zones;

(iv) Flood control facilities (existing and proposed); and

(v) Groundwater wells within ½ mile if the project will include pumping.

(C) A description of the water to be used and discharged by the project. This information shall include:

~~(i) Source(s) of the primary and back-up water supplies and the rationale for their selection; and if fresh water is to be used for power plant cooling purposes, a discussion of all other potential sources and an explanation of why these sources were not feasible;~~

(ii) The expected physical and chemical characteristics of the source and discharge water(s) including identification of both organic and inorganic constituents before and after any project-related treatment. For source waters with seasonal variation, provide seasonal ranges of the expected physical and chemical characteristics. Provide copies of background material used to create this description (e.g., laboratory analysis);

~~(iii) Average and maximum daily and annual water demand and waste water discharge for both the construction and operation phases of the project; and~~

(iv) A detailed description of all facilities to be used in water conveyance (from primary source to the power plant site), water treatment, and wastewater discharge.

(v) For all water supplies intended for industrial uses to be provided from public or private water purveyors, a letter of intent or will-serve letter indicating that the purveyor is willing to serve the project, has adequate supplies available for the life of the project, and any conditions or restrictions under which water will be provided. In the event that a will-serve letter or letter of intent can not be provided, identify the most likely water purveyor and discuss the necessary assurances from the water purveyor to serve the project.

(vi) For all water supplied which necessitates transfers and/or exchanges at any point, identify all parties and contracts/agreements involved, the primary source for the transfer and/or exchange water (e.g., surface water, groundwater), and provide the status of all appropriate agencies' approvals for the proposed use, environmental impact analysis on the specific transfers and/or exchanges required to obtain the proposed supplies, a copy of any agency regulations that govern the use of the water, and an explanation of how the project complies with the agency regulation(s);

(vii) Provide water mass balance and heat balance diagrams for both average and maximum flows that include all process and/or ancillary water supplies and wastewater streams. Highlight any water conservation measures on the diagram and the amount that they reduce water demand.

(viii) For all projects which have a discharge, provide a copy of the will-serve letter, permit or contract with the public or private entity that will be accepting the wastewater and contact storm water from the project. The letter, permit or contract should identify the discharge volumes and the chemical or physical characteristics under which the wastewater and contact storm water will be accepted.

In the event that a will-serve letter, permit, or contract cannot be provided, identify the most likely wastewater/storm water entity and discuss why the applicant was unable to secure the necessary assurances to serve the project's wastewater/storm water needs. Also, discuss the term of the wastewater service to the project, whether the wastewater entity has adequate permit capacity for the volume of wastewater from the project and has adequate permit levels for the

chemical/physical characteristics of the project's wastewater and storm water for the life of the project, and any issues or conditions/restrictions the wastewater entity may impose on the project.

(D) Identify all project elements associated with stormwater drainage, including a description of the following: ~~pre-, and post-construction runoff and drainage patterns, including:~~

(i) Monthly and/or seasonal ~~P~~precipitation and stormwater runoff and drainage patterns for the proposed site and surrounding area that may be affected by the project's construction and operation.; and

(ii) Drainage facilities and the design criteria used for the plant site and ancillary facilities, including but not limited to capacity of designed system, design storm, and estimated runoff;

(iii) All assumptions and calculations used to calculate runoff and to estimate changes in flow rates between pre- and post construction; and

(iv) A copy of applicable regional and local requirements regulating the drainage systems, and a discussion of how the project's drainage design complies with these requirements.

(E) An ~~assessment of the effects~~ impacts analysis of the proposed project on water resources and a discussion of conformance with water-related LORS and policy. This discussion shall include:

(i) The effects of project demand on the water supply and other users of this source, including, but not limited to, water availability for other uses during construction or after the power plant begins operation, consistency of the water use with applicable RWQCB basin plans or other applicable resource management plans, and any changes in the physical or chemical conditions of existing water supplies as a result of water use by the power plant;

~~(ii) The effects of construction activities and plant operation on water quality; and~~

(ii) If the project will pump groundwater, an estimation of aquifer drawdown based on a computer modeling study shall be conducted by a professional geologist and include the estimated drawdown on neighboring wells within 0.5 mile of the proposed well(s), any effects on the migration of groundwater contaminants, and the likelihood of any changes in existing physical or chemical conditions of groundwater resources will be provided;

(iii) The effects of construction activities and plant operation on water quality and to what extent these effects could be mitigated by best management practices; ~~the project on the 100-year flood plain or other water inundation zones.~~

(iv) If not using a zero liquid discharge project design for cooling and process waters, include the effects of the proposed wastewater disposal method on receiving waters, the feasibility of using pre-treatment techniques to reduce impacts, and beneficial uses of the receiving waters. Include an explanation why the zero liquid discharge process is "environmentally undesirable," or "economically unsound."

(v) If using fresh water, include a discussion of the cumulative impacts, alternative water supply sources and alternative cooling technologies considered as part of the project design. Include an explanation of why alternative water supplies and alternative cooling are “environmentally undesirable,” or “economically unsound.”

(vi) The effects of the project on the 100-year flood plain, flooding potential of adjacent lands or water bodies, or other water inundation zones.

(vii) All assumptions, evidence, references, and calculations used in the analysis to assess these effects.

(15) ~~Agriculture and Soils~~

(A) A map at a scale of 1:24,000 and written description of soil types and all agricultural land uses that will be affected by the proposed project. The description shall include:

(i) The depth, texture, permeability, drainage, erosion hazard rating, and land capability class of the soil; and

(ii) An identification of other physical and chemical characteristics of the soil necessary to allow an evaluation of soil erodibility, permeability, re-vegetation potential, and cycling of pollutants in the soil-vegetation system;

(iii) The location of any proposed fill disposal or fill procurement (borrow) sites; and

(iv) The location of any contaminated soils that could be disturbed by project construction.

~~(B) A map at a scale of 1:24,000 and written description of agricultural land uses found within all areas affected by the proposed project. The description shall include:~~

~~(i) Crop types, irrigation systems, and any special cultivation practices; and~~

~~(ii) Whether farmland affected by the project is prime, of statewide importance, or unique as defined by the Natural Resource Conservation Service or the California Department of Conservation.~~

(B) (C) An assessment of the effects of the proposed project on soil resources and agricultural land uses. This discussion shall include:

(i) The quantification of accelerated soil loss due to wind and water erosion;

~~(ii) Direct, indirect, and cumulative effects on agricultural land uses.; and If the proposed site or related facilities are subject to an Agricultural Land Conservation contract, provide a written copy and a discussion of the status of the expiration or canceling of such contract.~~

(iii) The effect of power plant emissions on surrounding soil-vegetation systems.

#### (16) Paleontologic Resources

(A) Identification of the physiographic province and a brief summary of the geologic setting, formations, and stratigraphy of the project area. The size of the paleontological study area may vary depending on the depositional history of the ~~area~~ region.

(B) A discussion of the sensitivity of the project area described in subsection (g)(16)(A) and the presence and significance of any known paleontologic localities or other paleontologic resources within or adjacent to the project. Include a discussion of sensitivity for each geologic unit identified on the most recent geologic map at a scale of 1:24,000. Provide rationale as to why the sensitivity was assigned.

(C) A summary of all local museums, literature searches and field surveys used to provide information about paleontologic resources in the project area described in subsection (g)(16)(A). Identify the dates of the surveys, methods used in completing the surveys, and the names and qualifications of the individuals conducting the surveys.

(D) Information on the specific location of known paleontologic resources, survey reports, locality records, and maps at a scale of 1:24,000, showing occurrences of fossil finds within a one-mile radius of the project and related facilities shall be included in a separate appendix to the Application and submitted to the Commission under a request for confidentiality, pursuant to Title 20, California Code of Regulations, s 2501 et seq.

(E) A discussion of educational programs proposed to enhance awareness of potential impacts to paleontological resources by employees, measures proposed for mitigation of impacts to known paleontologic resources, and a set of contingency measures for mitigation of potential impacts to currently unknown paleontologic resources.

#### (17) Geological Hazards and Resources

(A) A summary of the geology, seismicity, and geologic resources of the project site and related facilities; including linear facilities.

(B) A map at a scale of 1:24,000 and description of all recognized stratigraphic units, geologic structures, and geomorphic features within two (2) miles of the project site and along proposed facilities. Include an analysis of the likelihood of ground rupture, seismic shaking, mass wasting and slope stability, liquefaction, subsidence, tsunami runup, and expansion or collapse of soil structures at the plant site. Describe known geologic hazards along or crossing linear facilities.

(C) A map and description of geologic resources of recreational, commercial, or scientific value which may be affected by the project. Include a discussion of the techniques used to identify and evaluate these resources.

(18) Transmission System Safety and Nuisance

(A) The locations and a description of the existing switchyards and overhead and underground transmission lines that would be affected by the proposed project.

(B) An estimate of the existing electric and magnetic fields from the facilities listed in (A) above and the future electric and magnetic fields that would be created by the proposed project, calculated at the property boundary of the site and at the edge of the rights of way for any transmission line. Also provide an estimate of the radio and television interference that could result from the project.

(C) Specific measures proposed to mitigate identified impacts, including a description of measures proposed to eliminate or reduce radio and television interference, and all measures taken to reduce electric and magnetic field levels.

**~~(i h)~~ Engineering**

(1) Facility Design

(A) A description of the actual site conditions and investigations or studies conducted to determine the site conditions used as the basis for developing design criteria. The descriptions shall include, but not be limited to, seismic and other geologic hazards, adverse conditions that could affect the project's foundation, adverse meteorological and climate conditions, and flooding hazards, if applicable.

(B) A discussion of any measures proposed to improve adverse site conditions.

(C) A description of the proposed foundation types, design criteria (include derivation), analytical techniques, assumptions, loading conditions, and loading combinations to be used in the design of facility structures and major mechanical and electrical equipment.

(D) For each of the following facilities and/or systems, provide a description including drawings, dimensions, surface-area requirements, typical operating data, and performance and design criteria for protection from impacts due to adverse site conditions:

(i) The power generation system;

(ii) The heat dissipation system;

(iii) The cooling water supply system, and, where applicable, pre-plant treatment procedures;

(iv) The atmospheric emission control system;

(v) The waste disposal system and on-site disposal sites;

(vi) The noise emission abatement system;

- (vii) The geothermal resource conveyance and re-injection lines (if applicable);
- (viii) Switchyards/transformer systems; and
- (ix) Other significant facilities, structures, or system components proposed by the applicant.

(2) Transmission System Design

(A) A discussion of the need for the additional electric transmission lines, substations, or other equipment, the basis for selecting principal points of junction with the existing electric transmission system, and the capability and voltage levels of the proposed lines, along with the basis for selection of the capacity and voltage levels.

(B) A discussion of the extent to which the proposed electric transmission facilities have been designed, planned, and routed to meet the transmission requirements created by additional generating facilities planned by the applicant or any other entity.

(3) Reliability

(A) A discussion of the sources and availability of the fuel or fuels to be used, and their expected prices, over the estimated service life of the facilities.

(B) A discussion of the anticipated service life and degree of reliability expected to be achieved by the proposed facilities based on a consideration of:

(i) Expected overall availability factor, and annual and lifetime capacity factors;

(ii) The demonstrated or anticipated feasibility of the technologies, systems, components, and measures proposed to be employed in the facilities, including the power generation system, the heat dissipation system, the water supply system, the reinjection system, the atmospheric emission control system, resource conveyance lines, and the waste disposal system;

(iii) Geologic and flood hazards, meteorologic conditions and climatic extremes, and cooling water availability;

(iv) Special design features adopted by the applicant or resource supplier to ensure power plant reliability including equipment redundancy; and

(v) For technologies not previously installed and operated in California, the expected power plant maturation period.

(4) Efficiency

(A) Heat and mass balance diagrams for design conditions for each mode of operation.

(B) Annual fuel consumption in BTUs for each mode of operation, including hot restarts and cold starts.

(C) Annual net electrical energy produced in MWh for each mode of operation, including starts and shutdowns.

(D) Number of hours the plant will be operated in each design condition in each year.

(E) If the project will be a cogeneration facility, calculations showing compliance with applicable efficiency and operating standards.

(F) A discussion of alternative generating technologies available for the project, including the projected efficiency of each, and an explanation why the chosen equipment was selected over these alternatives.

(5) Demonstration, if applicable

(A) Justification for the request for demonstration status, based on the criteria contained in the most recently adopted Electricity Report.

(B) A demonstration plan containing the following elements:

(i) A description of the technology to be demonstrated;

(ii) The objectives of the demonstration;

(iii) The plans for acquiring the data necessary to verify the state demonstration objectives;

(iv) The schedule for implementing the demonstration tasks;

(v) The expected date of commencement of commercial operation of the facility, if applicable, and

(vi) A description of contingent actions to be implemented if individual demonstration tasks are technologically unsuccessful.

**(h i) Compliance with Laws, Ordinances, Regulations and Standards**

(1) Tables which identify:

(A) Laws, regulations, ordinances, standards, adopted local, regional, state, and federal land use plans, leases, and permits applicable to the proposed project, and a discussion of the applicability of, and conformance with each. The table or matrix shall explicitly reference pages in the application wherein conformance, with each law or standard during both construction and operation of the facility is discussed; and

(B) Each agency with jurisdiction to issue applicable permits, leases, and approvals or to enforce identified laws, regulations, standards, and adopted local, regional, state, and federal land use plans, and agencies which would have permit approval or enforcement authority, but for the exclusive authority of the commission to certify sites and related facilities.

~~(2) A discussion of the conformity of the project with the requirements listed in subsection (h)(1)(A).~~

(23) The name, title, phone number, ~~and~~ address (required), and email address (if known), of an official who was contacted within each agency, and also provide the name of the official who will serve as a contact person for Commission staff ~~the agency~~.

(34) A schedule indicating when permits outside the authority of the commission will be obtained and the steps the applicant has taken or plans to take to obtain such permits.

Note: Authority cited: Sections 25213, 25216.5(a), 25218(e), Public Resources Code.  
Reference: Sections 21080.5, 25308.5, 25519(a), 25519(c), 25520, 25522(b), 25523(d)(1), 25540.1, 25540.2, 25540.6, Public Resources Code.